

**R E M A R K S**

Claims 1, 3 and 8-10 were rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner stated, "The passage 'said male buckle engaging part of said female buckle part including a pair of flexible prongs' (claim 1, lines 9-10) is misdescriptive because the flexible prongs are part of the male part and not the female part, as indicated in the passage. That is, 'said female buckle part' should be changed to --said buckle--. The remaining claims are indefinite because they depend from an indefinite claim."

Claim 1 has been amended as suggested, which should remove this indefiniteness.

In order to make it clear that any hinged, sliding or other three-part or more buckles do not provide the features of this invention, the preamble of all remaining claims has been amended to specify that this invention is a two-part buckle. The body of each claim calls for only a male and a female part consistent with the preamble.

Serial No. 09/370,388

PRELIMINARY COMMENT

The Office Action was accompanied by five new references, all Japanese patents:

No.	Date	Column of Text	Drawing Figure
JP275,012	1995	22	35
JP100005	1995	12	14
JP221502	1992	12	14
JP211005	1998	22	42
JP10-42912	1998	<u>10</u>	<u>15</u>
Total		78 columns	120

All were unaccompanied by any translations. Upon telephonic request of the Examiner, he furnished of the only translation, an abstract, which he indicated that he had in preparing the Office Action. Applicant has requested that the Examiner provide translations to support any rejection. The applicant has ascertained that translations of the 78 columns of text, plus cover sheets, would run many thousands of dollars and in excess of the cost of this application to date, and an unfair burden on the applicant for patents.

This response is prepared relying upon the attempts to understand the Japanese patents from a translated abstract and the drawings.

Serial No. 09/370,388

The applicant has reviewed the Japanese abstract and drawings, and to the best that they can be understood, amended the claims to clearly define the difference which is sincerely believed constitute novel advances in the state of this heavily worked art.

CLAIMS REJECTIONS - 35 U.S.C. §102

Claim 14 was rejected by the Examiner under 35 U.S.C. 102(b) as being clearly anticipated by JP10-42912. Claim 14 has been rather significantly revised in the light of the recently cited Japanese patents, including JP10-42912. What this reference does not show is "a cantilevered resilient member formed integrally with said male part" and "further including manually operable means . . . for disengaging said prong release preventing means".

In JP10-42912, the cantilevered resilient member 40 is not part of the "male part" as claimed. It is clearly part of the female member. This claim is therefore believed to define over JP10-42912.

Claims 1, 3, 8-10,14-17, 19, and 20 were rejected under 35 U.S.C. 102(a) as being clearly anticipated by JP10-211005 on Page 3 of the Office Action. In describing this reference, the Examiner stated:

"JP10-211005 (figures 1-41) teaches buckle structure including a male part including a belt attachment loop 11 and one end and a pair of prongs 13 at the opposite end. There is a female part including a pair of recesses 40 in each of the sides to engage the prongs 13 when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered resilient member 22 acting as a lock via the side edges 25 of its free

Serial No. 09/370,388

end to block the inward release of the prongs 13. The cantilevered resilient member 22 is located between the prongs 13. The button 27 extends through an opening in the female part and acts to disengage the cantilevered member 22 from its blocking position."

This reference to all of the figures of the Japanese Patent JP10-211005 is believed to be inappropriate since the drawings appear to illustrate several different embodiments, not described in the ABSTRACT and several employing three or more pages. The lack of a thorough and accurate translation of this reference has left applicant with some uncertainty as to all aspects of its structure and operation. A translated abstract (Micro Patent Worldwide Pat. Search), furnished by the Examiner on our report, used some odd language (e.g., female member 30 is composed of a cylindrical part?) and was of only limited value. It does appear that the "engaging aperture 54", which is in the top of the female member 30, is not contained within the face (33?) of the female member 30 but opens directly out to the strap receiving slot (not numbered but adjacent part 32). Also, none of the many figures show that the button 27 is ever flush with the face 33 of female member 30. It appears that one wishing to release this buckle, in addition to squeezing arms 13, 14 together must reach through aperture 54 to contact button 27 in order to disengage lock pieces 25 from prongs 20.

Applicant has amended claim 1 to recite that the female part includes "a front wall having an aperture therein completely surrounded by said front panel" and further "a manually controlled button on said resilient member normally positioned in said

Serial No. 09/370,388

aperture". Claim 1, as amended, is believed that the combination of claim 1 defines over JP10-211005 in that the aperture 54 is not completely surrounded by its front wall, and its button 27 is not "normally positioned in said aperture".

Claim 3, dependent upon claim 1, now recites that "the surface of said button is substantially flush with said front wall". It does not appear that the surface of button 27 is ever "substantially flush" with the front wall of female member 30.

Claim 8, dependent upon claim 1, further defines the male buckle part as including "a cantilevered tongue located between said prongs and carrying said button". This further defines the "cantilevered resilient member" as including a "cantilevered tongue".

Claim 9 is dependent upon claim 8 and recites that the "cantilevered tongue" carries the button, the button being "operational to deflect the tongue away from said prongs . . . to release the buckle parts".

Claim 10 is dependent upon claim 1 and further defines the operation of the "cantilevered resilient member" with respect to the prongs to move from a first prong locking position to a second prong unlocking position in response to manual operation of said button.

All of claims 3, 8, 9, and 10 further define the operation and structure recited in claim 1 and are believed properly allowable with claim 1.

Claim 14, in addition to the differences set forth in response to the rejection under 35 U.S.C. 102, has been substantially amended as described above to recite that

Serial No. 09/370,388

the female part has a front face "including an aperture therein completely surrounded by said front face". As stated above, the front face of the reference Japanese patent does not include an aperture as described. Claim 14 has also been amended to recite that the "cantilevered resilient member" includes "manually operable means normally positioned in said aperture. This recitation is not believed to read on the reference since no views appear to show that the button is actually in the aperture, but rather that it is merely accessible through the aperture.

Claim 15 has been amended similarly to claims 1 and 14 discussed above. The "front face" is defined as "including an aperture completely surrounded by said front face, which defines over the reference as argued above. The claim also recites "a button carried on said cantilevered tongue and normally positioned in said aperture". In the references, the button is not shown as "positioned in said aperture".

Claims 16, 17, 19, and 20 have been cancelled since their subject matter has essentially been incorporated into claims 14 and 15.

On pages 4 and 9 of the Office Action, claims 14-17 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP7-275012, the Examiner stating:

"JP7-275012 (figures 11-18) teaches buckle structure including a male part including a belt attachment loop 11 and one end and a pair of prongs 12a, 12b at the opposite end. There is a female part including a pair of recesses 23a, 23b in each of the sides to engage the prongs 12a, 12b when the male part is inserted and flex under finger pressure to release the male and female parts. This is a cantilevered tongue 17a, 17b carrying resilient member 50b acting as a lock via the side edges 52a, 52b of its free end to block the inward release of the prongs 12a, 12b. The member 50b is

resilient through the pair of resilient trailing legs which position the member within the cantilevered tongue 17a, 17b and the resiliently openable slit in the nose of the blocking member which terminates in aperture 53b and must expand to receive the locking protrusion 29b, shown in figure 12. The cantilevered resilient member 50b is located between the prongs 13. The button 51b extends through an opening in the female part and acts to disengage the side edges 52b of the blocking member from its blocking position."

It is quite clear from Fig. 13 of the reference that the front face of the buckle does not include "an aperture completely surrounded by said front face" as now claimed in claims 14 and 15, but rather shows a slot 28B. The "cantilevered resilient member" is defined as "formed integrally with said male part" and "located between said prongs". Claim 14 further recites that the buckle includes "means forming part of said cantilevered resilient member normally engaging said prongs . . . ." The reference shows a completely separate sliding member 50B, which slides in a slot between parts 18Ba and 18Bb. Since this release mechanism involves a separate slider, it is not believed that the slider support is a "cantilevered resilient member". It is therefore believed that, as amended, claim 14 clearly defines over JP7-275012.

Claim 15 recites, in addition to the "aperture completely surrounded by said front face", which defines over JP7-275012 as described above,

"a cantilevered tongue located between said prongs" and "a button integrally formed with said cantilevered tongue . . . for disengaging said prong engaging member from said prongs."

Again, it is not believed that the slider support shown in the reference is "a cantilevered

Serial No. 09/370,388

tongue" and the slider 50B is not "a button integrally formed with said cantilevered tongue". It is, therefore, believed that claims 14 and 15 clearly define over JP7-275012.

On pages 4 and 5 of the Office Action, claim 14 was rejected under 37 U.S.C. 102(e) as being clearly anticipated by Galbreath (U.S. Patent 6,138,330), the Examiner stating:

"Galbreath teaches buckle structure including a male part 10 including a belt attachment loop and one end and a pair of prongs 11a, 11b at the opposite end. There is a female part 13 including a pair of recesses 14a, 14b in each of the sides to engage the prongs 11a, 11b when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered resilient member 15a acting as a lock via its side edges to block the inward release of the prongs 11a, 11b. The cantilevered resilient member 15a is located between the prongs 11a, 11b."

Claim 14, as amended, clearly defines over Galbreath in that Galbreath's "cantilevered resilient member 15a" is clearly part of the female part 13 and not part of male plug 10. Claim 14 now recites that the male part includes "a cantilevered resilient member formed integrally with said male part . . ." These differences are fundamental to the different and novel design; and, therefore, claim 14 should clearly be allowed.

#### RESPONSE TO AMENDMENT

It was stated that an affidavit or declaration is inappropriate under 35 CFR 1.131 when the patent (Galbreath '330) is claiming the same invention. The Galbreath patent is clearly not claiming the same invention. Claim 1 of Galbreath recites "a female part



Serial No. 09/370,388

having at least one hinged member located thereon". Applicant could not make such a claim as part of an interference. All the remaining claims are dependent upon claim 1 of Galbreath, so applicant would have no basis for copying any of such claims either.

Applicant believes that he has successfully "sworn back" of the Galbreath '330 patent or, alternatively, that he has successfully distinguished claim 14 over Galbreath '330.

Japanese patents JP7-100005 and JP4-221502, identified on the Notice of References cited but not forming the basis of any claim rejection, have been reviewed with interest but are believed not to anticipate applicant's claims for the reasons set forth above.

#### SUMMARY

The rejection of claim 14 as anticipated by JP10-42912 is now believed inapplicable because the reference shows no "cantilevered resilient member" formed integrally with the male part . . . for disengaging said prong release preventing means".

The rejection of claims 1, 3, 8-10, 14, and 15 as anticipated by JP10-211005 is now inapplicable because the reference does not show the "front face having an aperture therein completely surrounded by said front face" which recitation or a similar recitation is present in all of these claims.

All of independent claims 1, 14 and 15 recite "a manually controlled button (or manually operable means) normally positioned in said aperture for disengaging said

Serial No. 09/370,388

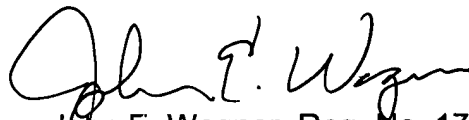
prong release preventing means". In the reference, the "button" 27 is not in an aperture in the front face but is accessed through opening 54.

The rejection of claims 14 and 15 as being anticipated by JP7-275012 is now inapplicable because the release structure is clearly different from that now claimed. The separate slider shown is not a cantilevered resilient member formed integrally with said male part. Nor is the aperture in the female member "completely surrounded by said front face" since the only part which could correspond to such aperture is a slot 28B.

The rejection of claim 14 as anticipated by Galbreath '330 is now inapplicable because Galbreath's cantilevered resilient member 15a is clearly part of female part 13 and not part of male member 10. Further, applicant believes that he has successfully sworn back of Galbreath.

It is believed that all the remaining claims are in condition for allowance and favorable action is requested.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Wagner", is written over the typed name and address.

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JW:RCS:mm

I:\Patent\Bianchi\556.AMENDMENT D

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 16, 17, 19, and 20 have been cancelled.

Claim 1 has been amended as follows:

1. (twice amended) A two-part buckle including an auxiliary locking feature comprising:

a female buckle part including belt or strap receiving portion, and a body portion defining a recess for receiving a mating portion of a male buckle part and a pair of edge recesses and a front wall having an aperture therein completely surrounded by said front panel;

a male buckle part including a belt or strap receiving portion, and a female buckle engaging part,

a cantilevered resilient member formed integrally with said male buckle part located within the recess of said female part when said buckle is engaged;

said male buckle engaging part of said ~~female~~ buckle part including a pair of flexible prongs for insertion into the recesses of said female part and for engaging said female part to secure the buckle parts together;

Serial No. 09/370,388

said prongs being accessible through said edge recesses for manually releasing said prongs to allow said male and female buckle parts to separate; and

a manually controlled button on said resilient member normally positioned in said aperture, said resilient member carrying means engaging the prongs of said male buckle part for selectively preventing the flexing of said prongs and release of said buckle parts, wherein said means which normally engage said prongs releases said prongs upon operation of said button.

Claim 3 has been amended as follows:

3. (twice amended) A two-part buckle in accordance with claim 1 wherein the surface of ~~said female buckle part includes a front wall having an aperture therein~~ and said button is substantially flush with ~~accessible through said aperture~~ front wall.

Claim 8 has been amended as follows:

8. (amended) A two-part buckle in accordance with Claim 1 wherein said male buckle part includes a cantilevered tongue located between said prongs and carrying said button [manually controlled means].

Serial No. 09/370,388

Claim 9 has been amended as follows:

9. (amended) A two-part buckle in accordance with Claim 8 wherein said button is manually controlled means is a button carried by said cantilevered tongue and operational to deflect said tongue away from said prongs to allow said prongs to flex and to release the buckle parts.

Claim 10 has been amended as follows:

10. (twice amended) A two-part buckle in accordance with claim 1 wherein said cantilevered resilient member is mounted for movement with respect to said prongs to move from a first prong locking position to a second prong unlocking position in response to manual operation of said button.

Serial No. 09/370,388

Claim 14 has been amended as follows:

14. (twice amended) A two - part plastic buckle comprising;
- a female part including a belt attachment loop at one end and a male part receiving opening at the opposite end from said belt attachment loop;
- said female part having a front face including an aperture therein completely surrounded by said front face, a rear face and a pair of edges;
- said female part defining a pair of recesses one in each of said edges communicating with said male part receiving opening;
- a male part including a belt attachment loop at one end<sub>1</sub> and a pair of prongs at the opposite end dimensioned to enter said male part receiving opening in said female part and for engaging said recesses to secure said male and female parts together and to flex under finger pressure to release said male and female parts; and a cantilevered resilient member formed integrally with said male part located between said prongs;
- said buckle further including means forming part of ~~carried on~~ said cantilevered resilient member normally engaging said prongs when said prongs are positioned to secure said male and female parts together and for preventing the prongs from releasing said male and female parts; said cantilevered resilient member ~~buckle~~ further including manually operable means normally positioned in said aperture for disengaging said prong release preventing means.

Claim 15 has been amended as follows:

15. (twice amended) A two-part plastic buckle comprising:

a female part including a belt attachment loop, an opening at the opposite end from said belt attachment loop, a front face including an aperture completely surrounded by said front face, a rear face and a pair of edges, each of said edges including a recess communicating with said opening:

a male part including a belt attachment loop and a pair of prongs dimensioned to enter the opening of said female part, each of said pair of prongs including a catch engaging one of said recesses to secure said male and female parts together, said prongs being adapted to flex under finger pressure to disengage said catch from said recesses to release said male and female parts; and a cantilevered tongue located between said prongs;

said cantilevered tongue ~~buckle~~ further including a member normally engaging said prongs when said prongs are positioned to secure the male and female parts together to prevent said prongs from releasing said male and female parts; and

a button integrally formed with ~~manually operable means carried on~~ said cantilevered tongue and normally positioned in said aperture for disengaging said prong engaging member from said prongs.